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## EXTRAORDINARY PART II—Section 3—Sub-section (ii) PUBLISHED BY AUTHORITY

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### CENTRAL BOARD OF REVENUE

#### NOTIFICATION

#### INCOME-TAX

*New Delhi, the 26th March 1962*

**S.O. 955.**—In exercise of the powers conferred by sub-section (1) of section 295 of the Income-tax Act, 1961 (43 of 1961) and rules 91 and 92 of the Second Schedule to that Act, the Central Board of Revenue hereby makes the following rules, namely:—

#### THE INCOME-TAX (CERTIFICATE PROCEEDINGS) RULES, 1962

##### PART I

##### *Preliminary*

1. **Short title and commencement.**—(1) These rules may be called the Income-tax (Certificate Proceedings) Rules, 1962.

(2) They shall come into force on the first day of April, 1962.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(1) “Act” means the Income-tax Act, 1961 (43 of 1961);

(2) “public officer” shall have the same meaning as in the Code of Civil Procedure, 1908 (5 of 1908);

(3) “principal rules” means the rules contained in the Second Schedule to the Act; and

(4) “section” and “Schedule” mean respectively section of, and Schedule to, the Act.

3. **Forms.**—All references to “Forms” in these rules shall be construed as references to the forms set out in the Appendix hereto.

4. **Tax Recovery Commissioners appointed by Central Government.**—For the purpose of exercising general supervision over the work of Tax Recovery Officers referred to in sub-clause (iii) of clause (44) of section 2, the Central Government may appoint as many Tax Recovery Commissioners as it thinks fit.

5. **Jurisdiction of Tax Recovery Commissioners.**—Tax Recovery Commissioners shall perform their functions in respect of such areas as the Board may direct.

6. **Jurisdiction of Tax Recovery Officers authorised to function as such by the Central Government.**—Tax Recovery Officers referred to in sub-clause (iii) of clause (44) of section 2 shall exercise jurisdiction in respect of such areas as the Board may direct.

**7. Jurisdiction of other Tax Recovery officers.**—Tax Recovery Officers referred to in sub-clause (i) or sub-clause (ii) of clause (44) of section 2 shall exercise jurisdiction within the respective areas in which they exercise, or are authorised to exercise, the powers of a Collector under the law relating to land revenue for the time being in force in the State concerned.

**8. Transfer of proceedings to Tax Recovery Officer referred to in section 2(44)(iii).**—With effect from the date a Tax Recovery Officer referred to in sub-clause (iii) of clause (44) of section 2 exercises jurisdiction in respect of any area, the Tax Recovery Officer referred to in sub-clause (i) or sub-clause (ii) of clause (44) of that section shall cease to exercise powers as such in that area, and any proceeding for execution of a certificate pending before such Tax Recovery Officer shall stand transferred to the first mentioned Tax Recovery Officer who may continue the proceeding from the stage at which it stood immediately before such transfer and such transfer shall not render necessary the re-issue of any notice, warrant, proclamation, order or certificate already issued.

## PART II

### *General Procedure*

**9. Procedure to be followed while sending certificate to another Tax Recovery Officer.**—When a certificate is sent by a Tax Recovery Officer to another Tax Recovery Officer under sub-section (2) of section 223, he shall—

- (i) keep a copy of the certificate in his office; and
- (ii) inform the Income-tax Officer from whom the certificate was received of his having so sent the certificate.

**10. Procedure to be followed on receipt of a certificate from a Tax Recovery Officer.**—When a certificate is sent by a Tax Recovery Officer to another Tax Recovery Officer under sub-section (2) of section 223, such other Tax Recovery Officer shall follow the same procedure as is laid down in the principal rules and these rules including the issue of the notice under rule 2 of the principal rules.

**11. Intimation by the first Tax Recovery Officer.**—The Tax Recovery Officer to whom a certificate has been forwarded by an Income-tax Officer under sub-section (1) of section 223 shall intimate the details of all amounts recovered in respect of such certificate from time to time to the Income-tax Officer and, also, to any Tax Recovery Officer to whom the certificate has been sent by him under sub-section (2) of the said section.

**12. Intimation by the other Tax Recovery Officer.**—When a certificate is sent by a Tax Recovery Officer to another Tax Recovery Officer under sub-section (2) of section 223, such other Tax Recovery Officer shall communicate to the first-mentioned Tax Recovery Officer and to the Income-tax Officer who issued the certificate the details of all amounts recovered by him in respect of such certificate from time to time.

**13. Intimation by the Income-tax Officer.**—Where a certificate has been issued by an Income-tax Officer, he shall keep the Tax Recovery Officer to whom the certificate has been forwarded by him under sub-section (1) of section 223 and any other Tax Recovery Officer to whom the certificate has been sent under sub-section (2) of the said section, informed of any tax, interest or any other sum, as the case may be, paid or time granted for payment subsequent to the issue of such certificate.

**14. Form of notice of demand.**—The notice of demand under rule 2 of the principal rules shall be issued in Form No. I.T.C.P. 1 which may be so varied as the circumstances of each case may require.

## PART III

### *Attachment and Sale of Property*

**15. Continuance of attachment subject to claim of encumbrancer.**—Where, in the course of investigation made under rule 11 of the principal rules, the Tax Recovery Officer is satisfied that the property is subject to a mortgage or charge (other than a mortgage or charge referred to in section 281 or rule 16 of the said rules) in favour of some person not in possession, and thinks fit to continue the attachment he may do so, subject to such mortgage or charge.

**16. Proclamation of sale.**—For the purpose of ascertaining the matters to be specified in a proclamation of sale, the Tax Recovery Officer may summon any person whom he thinks necessary to summon and may examine him in respect of any matters relevant to the proclamation and require him to produce any document in his possession or power relating thereto.

**17. Sale to be held by whom and his remuneration.**—If the Tax Recovery Officer is of the opinion that it will be more advantageous to appoint a person other than an official subordinate to him to sell a property, he may appoint a fit person for the purpose and fix the remuneration to be allowed to him for rendering such services; and the remuneration payable to such person shall be deemed to be costs of the sale.

**18. Reserve Price.**—It shall be competent for the Tax Recovery Officer to fix a reserve price in respect of any property, other than agricultural produce, to be sold and order that any bid shall be accepted only on condition that it is not less than the said reserve price.

**19. Report of sale.**—The officer conducting a sale shall forthwith pay the entire amount received by him from the purchaser of the property into the Government treasury and shall submit a full report of the sale to the Tax Recovery Officer.

**20. Sale proceeds not to be disbursed till sale confirmed.**—The proceeds of the sale of immovable property shall not be disbursed until the sale is confirmed by the Tax Recovery Officer or, where an appeal has been filed against the order confirming the sale, until the disposal of the appeal.

**21. Registration of sale.**—Every Tax Recovery Officer granting a certificate of sale to the purchaser of immovable property sold under the Second Schedule shall send a copy of such certificate to the registering officer concerned under the Indian Registration Act, 1903 (16 of 1908) within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in the certificate is situate.

**22. Forms**—The following forms, which may be so varied as the circumstances of each case may require, shall be used for the purpose mentioned against each:—

- (i) Form No. I.T.C.P. 2, for issuing a warrant of attachment of movable property under rule 20 of the principal rules;
- (ii) Form No. I.T.C.P. 3, for issuing a prohibitory order in the case of a debt not secured by a negotiable instrument under rule 26(1)(i) of the principal rules;
- (iii) Form No. I.T.C.P. 4, for issuing a prohibitory order in the case of a share in a corporation under rule 26(1)(ii) of the principal rules;
- (iv) Form No. I.T.C.P. 5, for issuing a prohibitory order in the case of other movable property under rule 26(1)(iii) of the principal rules;
- (v) Form No. I.T.C.P. 6, for issuing a notice of attachment of a decree of a civil court under rule 27 of the principal rules;
- (vi) Form No. I.T.C.P. 7, for issuing a notice of attachment where the property consists of a share or interest in movable property under rule 28 of the principal rules;
- (vii) Form No. I.T.C.P. 8, for issuing an order of attachment of salary or allowances under rule 29 of the principal rules;
- (viii) Form No. I.T.C.P. 9, for issuing an order of attachment of a negotiable instrument under rule 30 of the principal rules;
- (ix) Form No. I.T.C.P. 10, for issuing a notice of attachment of movable property in the custody of any court or public officer under rule 31 of the principal rules;
- (x) Form No. I.T.C.P. 11, for issuing an order of attachment of property consisting of an interest in partnership property under rule 32 of the principal rules;
- (xi) Form No. I.T.C.P. 12, for issuing a warrant of sale of property under rule 37 or rule 52(1) of the principal rules;
- (xii) Form No. I.T.C.P. 13, for issuing a proclamation of sale of movable or immovable property under rule 38 or rule 52(2) of the principal rules;
- (xiii) Form No. I.T.C.P. 14, for issuing a certificate of sale of movable property under sub-rule (2) of rule 44 of the principal rules;

- (xiv) Form No. I.T.C.P. 15, for issuing an order for payment under rule 47 of the principal rules;
- (xv) Form No. I.T.C.P. 16, for issuing an order of attachment of immovable property under rule 48 of the principal rules;
- (xvi) Form No. I.T.C.P. 17, for issuing a notice to the defaulter for settling a proclamation of sale under rule 53 of the principal rules;
- (xvii) Form No. I.T.C.P. 18, for making an order of confirmation of sale of immovable property under sub-rule (1) of rule 63 of the principal rules;
- (xviii) Form No. I.T.C.P. 19, for issuing a notice to interested parties under the proviso to sub-rule (2) of rule 63 of the principal rules;
- (xix) Form No. I.T.C.P. 20, for issuing a certificate of sale of immovable property under rule 65 of the principal rules;
- (xx) Form No. I.T.C.P. 21, for issuing a certificate to defaulter authorising him to mortgage, lease or sell immovable property under sub-rule (2) of rule 66 of the principal rules;
- (xxi) Form No. I.T.C.P. 22, for issuing an order of attachment of a business under rule 69 of the principal rules.

#### PART IV

*Maintenance and Custody, while under attachment, of Livestock or other movable property, fees for such maintenance and custody, sale thereof and disposal of sale proceeds*

**23. Property to which rules apply.**—The rules in this Part relate to movable property (other than agricultural produce) attached by actual seizure under the Second Schedule.

**24. Custody at place of attachment.**—(1) Where the property attached is of such a nature that its removal from the place of attachment is impracticable or its removal involves expenditure out of proportion to the value of the property, the attaching officer shall, subject to any directions which the Tax Recovery Officer may issue in this behalf, arrange for the proper maintenance and custody of the property at the place of attachment. The attaching officer shall forthwith send a report of having done so to the Tax Recovery Officer.

(2) On receipt of a report from the attaching officer under sub-rule (1), the Tax Recovery Officer may either order the removal of the property to a place which he shall specify or sanction its maintenance and custody at the place of attachment under such conditions as he may think fit.

**25. Removal and custody of property in other cases.**—Where the attached property is not kept at the place of attachment, it shall be kept in the custody of an officer (hereinafter in this Part referred to as the "Custody Officer") subordinate to the Tax Recovery Officer and authorised by the Tax Recovery Officer for this purpose. The Custody Officer may remove the property to the Office of the Tax Recovery Officer for custody under his own supervision or, with the approval of the Tax Recovery Officer, may make such arrangements as may be convenient and economical for its safe custody with any other fit person under his own supervision and the Tax Recovery Officer may fix the remuneration to be allowed to such person.

**26. Property may be handed over to the defaulter.**—Notwithstanding anything contained in rule 24 or rule 25, the attaching officer or the custody officer may, with the previous approval of the Tax Recovery Officer, entrust, subject to his right of supervision, the attached property to the defaulter on his executing a duly stamped bond (sapurdnama) in Form No. I.T.C.P. 23 which may be so varied as the circumstances of each case may require.

**27. Custody of attached cash, securities, etc.**—If the property attached consists of cash, Government or other securities, bullion, jewellery or other valuables, the attaching officer shall send them for safe custody to the nearest Government treasury.

**28. Claim of any person other than the defaulter to the property under attachment.**—When the property remains at the place where it is attached in the custody of the attaching officer, and any person other than the defaulter claims the same, or any part thereof, the officer shall nevertheless remain in possession and shall direct the claimant to prefer his claim to the Tax Recovery Officer.

**29. Return of property on cancellation or withdrawal of attachment.**—(1) If in consequence of withdrawal or cancellation of the attachment, the defaulter becomes entitled to receive back the movable property attached, the possession thereof shall be given to him on payment of costs, charges and expenses due, if any, in respect of the execution of the certificate against such property.

(2) For the purpose of giving possession under sub-rule (1), the attaching officer shall inform the defaulter that the property is at his disposal.

(3) In the absence of any person to take charge of the property the officer shall, if the property has been moved from the premises in which it was seized, replace it where it was found at the time of seizure.

**30. Property may be sold if costs etc. not paid.**—In default of the payment of costs, charges and expenses referred to in sub-rule (1) of rule 29, the movable property or such portion thereof as may be necessary shall be sold by auction and after defraying the expenses of such sale and the costs, charges and expenses aforesaid, the balance, if any, of the movable property as has not been sold shall be handed over to the defaulter.

**31. Feeding and tending of livestock under attachment.**—Whenever livestock is kept at the place where it has been attached, the defaulter shall be at liberty to undertake the due feeding and tending of it, under the supervision of the attaching officer.

**32. Removal of livestock.**—In the event of the defaulter failing to feed attached livestock, the livestock may be placed in the custody of the Custody Officer or in the circumstances mentioned in rule 33 may be placed in a pound maintained by the Government or a local authority.

**33. Custody of livestock in pound.**—If there be any such pound near the office of the Tax Recovery Officer, the attaching officer or the custody officer may place in it such attached livestock as can properly be kept there in which case the pound-keeper shall be responsible for the livestock and shall receive the same rates for accommodation and maintenance thereof as are payable in respect of impounded cattle of the same description.

**34. Custody with a person other than custody officer.**—Notwithstanding anything contained in rule 33, the Custody Officer may, with the approval of the Tax Recovery Officer, entrust the attached livestock to any other fit person under his own supervision and the Tax Recovery Officer may fix the remuneration to be allowed to such person after taking into account the local circumstances and the charges which such person may have to incur for the maintenance and custody of such livestock.

**35. Expenses of custody, maintenance etc.**—The expenses of maintenance and custody of movable property including the remuneration payable to the person concerned under rule 25 or rule 34 shall be deemed to be costs of the sale.

#### PART V.

*Delivery of property sold and execution of document or endorsement of negotiable instrument or share in a Corporation.*

**36. Delivery of movable property, debts and shares.**—(1) Where the property sold is movable property of which actual seizure has been made, it shall be delivered to the purchaser.

(2) (a) Where the property sold is movable property in the possession of some person other than the defaulter, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser and requiring him to deliver possession of the property to the purchaser within the time stipulated by the Tax Recovery Officer.

(b) Where such person in possession of the property fails without reasonable cause to deliver possession of the property to the purchaser within the time stipulated by the Tax Recovery Officer, or within such further time as may be allowed by him, the Tax Recovery Officer shall cause the property to be seized and delivered to the purchaser and the provisions of rules 35 and 36 of the principal rules shall, as far as may be, apply to such seizure.

(3) (a) Where the property sold is a debt not secured by a negotiable instrument, the delivery thereof to the purchaser shall be made by a written order of

the Tax Recovery Officer prohibiting the creditor from receiving the debt or any interest thereon and the debtor from making payment thereof to any person except the purchaser and requiring the debtor to make payment thereof to the purchaser within the time stipulated by the Tax Recovery Officer.

(b) Where the debtor fails to make such payment to the purchaser within the time stipulated by the Tax Recovery Officer, or within such further time as may be allowed by him, the Tax Recovery Officer may take further proceedings to recover the amount due from the debtor as if the debtor were a defaulter in respect of whom the Income-tax Officer had forwarded a certificate under section 222 for the recovery of arrears of tax equal to the amount of the debt

(4) (a) Where the property sold is a share in a corporation, the delivery thereof to the purchaser shall be made by a written order of the Tax Recovery Officer prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon and requiring him to deliver the share certificate or other document of title along with the instrument of transfer duly completed by him to the Tax Recovery Officer within the time stipulated by the Tax Recovery Officer and prohibiting the manager, secretary or other proper officer of the corporation from permitting any such transfer or making any such payment to any person except the purchaser

(b) Where the person in whose name the share may be standing fails to deliver the share certificate or other document of title to the Tax Recovery Officer within the time stipulated by him, or within such further time as may be allowed by him, the Tax Recovery Officer may take steps to obtain a duplicate of the share certificate or other document of title as if the share certificate or other document of title had been lost or destroyed

**37 Transfer of negotiable instruments and shares**—(1) Where the execution of a document or the endorsement of the party in whose name a negotiable instrument or a share in a corporation is standing is required to transfer such negotiable instrument or share to a person who has purchased it under a sale under the Second Schedule, the Tax Recovery Officer may execute such document or make such endorsement as may be necessary and such execution or endorsement shall have the same effect as an execution or endorsement by the party.

(2) Such execution or endorsement may be in the following form, namely —  
 “ . . . by Tax, Recovery Officer . . . in the proceedings for the  
 recovery of arrears under the Income-tax Act, 1961 against . . . ”

(3) The Tax Recovery Officer may cause the document to be executed on proper stamp paper and to be registered if its registration is required by any law for the time being in force and the expenses of such execution and registration shall be borne by the purchaser

(4) Until the transfer of such negotiable instrument or share, the Tax Recovery Officer may, by order, appoint some person to receive any interest or dividend due thereon and to sign a receipt for the same; and any receipt so signed shall be as valid and effectual for all purposes as if the same had been signed by the party himself

**38 Vesting order in case of other property**—In the case of any movable property not hereinbefore provided for, the Tax Recovery Officer may make an order vesting such property in the purchaser or as the purchaser may direct; and such property shall vest accordingly.

**39 Delivery of immovable property in occupancy of defaulter.**—(1) Where the immovable property sold is in the occupancy of the defaulter or of some person on his behalf or of some person claiming under a title created by the defaulter subsequently to the attachment of such property and a certificate in respect thereof has been granted under rule 65 of the principal rules, the Tax Recovery Officer shall, on the application of the purchaser, order delivery to be made by putting such purchaser or any person whom the purchaser may appoint to receive delivery on his behalf in possession of the property, and if need be, by removing any person who refuses to vacate the same.

(2) For the purposes of sub-rule (1), if the person in possession does not afford free access, the Tax Recovery Officer may, after giving reasonable warning and facility to any woman not appearing in public according to the customs of the country to withdraw, remove or open any lock or bolt or break open any door or do any other act necessary for putting the purchaser, or any person whom the purchaser may appoint to receive delivery on his behalf, in possession.

**40. Delivery of immovable property in occupancy of tenant.**—Where the immovable property sold is in the occupancy of a tenant or other person entitled to occupy the same and a certificate in respect thereof has been granted under rule 65 of the principal rules, the Tax Recovery Officer shall, on the application of the purchaser, order delivery to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, that the interest of the defaulter has been transferred to the purchaser.

#### PART VI

##### *Resistance or obstruction to delivery of possession to purchaser*

**41. Resistance or obstruction to possession of immovable property.**—(1) Where the purchaser of immovable property sold in execution of a certificate is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Tax Recovery Officer complaining of such resistance or obstruction within thirty days of the date of such resistance or obstruction.

(2) The Tax Recovery Officer shall fix a day for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

**42. Resistance or obstruction by defaulter.**—Where the Tax Recovery Officer is satisfied that the resistance or obstruction was occasioned without any just cause by the defaulter or by some other person at his instigation, he shall direct that the applicant be put into possession of the property, and where the applicant is still resisted or obstructed in obtaining possession, the Tax Recovery Officer may also, at the instance of the applicant, take steps to put the applicant into possession of the property by removing the defaulter or any person acting at his instigation.

**43. Resistance or obstruction by bona fide claimant.**—Where the Tax Recovery Officer is satisfied that the resistance or obstruction was occasioned by any person (other than the defaulter) claiming in good faith to be in possession of the property on his own account or on account of some person other than the defaulter, the Tax Recovery Officer shall make an order dismissing the application.

**44. Dispossession by purchaser.**—(1) Where any person other than the defaulter is dispossessed of immovable property sold in execution of a certificate by the purchaser thereof, he may make an application to the Tax Recovery Officer complaining of such dispossession within thirty days of such dispossession.

(2) The Tax Recovery Officer shall fix a day for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

**45. Bona fide claimant to be restored to possession.**—Where the Tax Recovery Officer is satisfied that the applicant was in possession of the property on his own account or on account of some person other than the defaulter, he shall direct that the applicant be put into possession of the property.

**46. Rules not applicable to transferee lite pendente.**—Nothing in rules 43 and 45 shall apply to resistance or obstruction by a person to whom the defaulter has transferred the property after the service of a notice under rule 2 of the principal rules or to the dispossession of any such person.

**47. Right to file a suit.**—Any party not being a defaulter against whom an order is made under rule 42 or rule 43 or rule 45 may institute a suit in a civil court to establish the right which he claims to the present possession of the property.

#### PART VII

##### *Appointment, Powers and Duties of a Receiver.*

**48. Powers of a receiver.**—A receiver appointed under the Second Schedule shall have all such powers, as to bringing in and defending suits and for the realisation, management, protection and preservation of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents as the owner himself has, or such of those powers as the Tax Recovery Officer thinks fit.

**49. Remuneration of a receiver.**—The Tax Recovery Officer may, by general or special order, fix the amount to be paid as remuneration for the services of the receiver.

**50. Duties of a receiver.**—(1) Every receiver so appointed shall—

- (a) furnish such security (if any) as the Tax Recovery Officer thinks fit, duly to account for what he shall receive in respect of the property;
- (b) submit his accounts at such periods and in such form as the Tax Recovery Officer directs;
- (c) pay the amount due from him as the Tax Recovery Officer directs; and
- (d) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

(2) The receiver shall maintain true and regular accounts of the receivership and shall in particular maintain a cash book in which shall be entered from day to day all receipts and payments and also a ledger. He shall also maintain a counterfoil receipt book with the leaves numbered serially in print, from which shall be given, as far as possible, all receipts for payments made to the receiver.

(3) Unless the Tax Recovery Officer otherwise directs, the receiver shall, as soon as may be after his appointment, open an account in the name of the receivership in such bank as the Tax Recovery Officer may direct and shall deposit therein all moneys received in the course of the receivership immediately on receipt thereof save any minimum sums that may be required for meeting day to day current expenses. All payments by the receiver shall, as far as possible, be made by cheques drawn on the bank account.

(4) Unless otherwise ordered, a receiver shall submit his accounts once in every three months. The first of such accounts commencing from the date of his appointment and ending with the expiry of three months therefrom shall be submitted within fifteen days of the expiry of the said period of three months and the subsequent accounts brought down to the end of each succeeding period of three months, within fifteen days of the expiry of each such period of three months.

**51. Enforcement of receiver's duties.**—(1) Where a receiver fails to submit his accounts at such periods and in such form as the Tax Recovery Officer directs, the Tax Recovery Officer may direct his property to be attached until such time as such accounts are submitted to him.

(2) The Tax Recovery Officer may at any time make an inquiry as to the amount, if any, due from the receiver, as shown by his accounts or otherwise, or an inquiry as to any loss to the property occasioned by his wilful default or gross negligence and may order the amount found due, if not already paid by the receiver under rule 50, or the amount of the loss so occasioned, to be paid by the receiver within a period to be fixed by the Tax Recovery Officer.

(3) Where the receiver fails to pay any amount which he has been ordered to pay under sub-rule (2) within the period specified, the Tax Recovery Officer may direct such amount to be recovered from the security (if any) furnished by the receiver or by attachment and sale of his property or, if his property has been attached under sub-rule (1), by the sale of such property, and may direct the sale proceeds to be applied in making good any amount found due from the receiver or any such loss occasioned by him and the balance (if any) of the sale proceeds shall be paid to the receiver.

(4) If a receiver fails to submit his accounts at such periods and in such form as directed by the Tax Recovery Officer without reasonable cause or improperly retains any cash in his hands, the Tax Recovery Officer may disallow the whole or any portion of the remuneration due to him for the period of the accounts with reference to which the default is committed and may also charge interest at a rate not exceeding twelve per cent per annum on the moneys improperly retained by him for the period of such retention without prejudice to any other proceedings which might be taken against the receiver.

**52. Form of order of appointment of a receiver.**—An order of appointment of a receiver under rule 69 or rule 70 of the principal rules shall be made in Form No. I.T.C.P. 24 which may be so varied as the circumstances of each case may require.

**PART VIII***Arrest and Detention*

**53. Prison in which defaulter may be detained.**—A person against whom an order of detention has been passed under Part V of the Second Schedule may be detained in the civil prison of the district in which the office of the Tax Recovery Officer ordering the detention is situate, or, where such civil prison does not afford



suitable accommodation, in any other place which the State Government may appoint for the detention of persons ordered by the civil courts of such district to be detained.

**54 Subsistence Allowance**—(1) The subsistence allowance shall be supplied by the Income-tax Officer by monthly instalments in advance before the first day of each month.

(2) The first payment shall be made to the Tax Recovery Officer for such portion of the current month as remains unexpired before the defaulter is committed to the civil prison, and the subsequent payment (if any) shall be made to the officer in charge of the civil prison

**55** The following forms, which may be so varied as the circumstances of each case may require, shall be used for the purpose mentioned against each—

- (i) Form No ITC P 25, for issuing a notice to show cause why a warrant of arrest should not issue under rule 73 of the principal rules;
- (ii) Form No ITC P 26, for issuing a warrant of arrest under Part V of the principal rules,
- (iii) Form No ITC P 27, for issuing a warrant of detention under Part V of the principal rules;
- (iv) Form No ITC P 28, for issuing an order of release under rule 77 or rule 78 or rule 79 of the principal rules

#### PART IX

*Scale of fees for processes, charges for other proceedings and poundage fees etc.*

**56 Process fees.**—The following scale of fees shall be charged for service and execution of processes issued under the Second Schedule and these rules

|  | Where the amount mentioned in the certificate exceeds |                       |
|--|---|-----------------------|
|  | Rs. 1,000   | is Rs. 1,000 or under |
|  | Rs.   | Rs.                   |
| (a) Notice of demand . . . . .                         | 1.50  | 1.00                  |
| (b) Warrant of attachment . . . . .                    | 3.00  | 2.00                  |
| (c) Warrant of arrest . . . . .                        | 3.00  | 2.00                  |
| (d) Warrant of delivery . . . . .                      | 3.00  | 2.00                  |
| (e) Proclamation of sale . . . . .                     | 5.00  | 3.00                  |
| (f) Any process not provided for hereinabove . . . . . | 1.50  | 1.00                  |

**57 Levy and scale of poundage fees**—(1) In respect of any sale made in the execution of a certificate, there shall be levied a fee by way of poundage on the gross amount realised by the sale, calculated at the rate of 2 per cent on such gross amount upto Rs 1,000 and at the rate of 1 per cent on the excess of such gross amount over Rs 1,000

(2) The poundage fee leviable under sub-rule (1) shall be calculated on multiples of Rs 25, that is to say, a poundage fee of 50 nP shall be levied for every Rs 25, or part of Rs 25, realised by the sale upto Rs 1,000 and in the case of the proceeds of the sale exceeding Rs 1,000, an additional fee of 25 nP for every Rs 25 or part thereof on the excess of such amount over Rs 1,000, shall be levied.

(3) Where the sale is in more than one lot, the poundage fee shall be calculated with reference to the sale proceeds of each lot separately.

(4) The poundage fee under sub-rule (1) shall be paid by the purchaser of the property as soon as the sale is completed.

(5) When a sale of immovable property is set aside under sub-rule (2) of rule 63 of the principal rules, the Tax Recovery Officer may make an order for payment, by the defaulter or by the person at whose instance the sale is set aside, of the poundage fees paid by the purchaser of the property under sub-rule (1) read with sub-rule (4)

**58 Copying fees.**—(1) Except in cases where copies are supplied free under rules or instructions in force copying fees shall be charged for supplying a copy of any document as follows:

- (a) for the first 200 words or less . . . . . 75 nP.
- (b) for every additional 100 words or fraction thereof . . . . . 35 nP.

(2) Copying fees shall be payable in advance.

(3) The scale of fees to be charged for the supply of a copy urgently shall be twice those prescribed in sub-rule (1).

**59 Inspection fees.**—(1) Fees for inspecting records of proceedings before the Tax Recovery Officer under the Second Schedule, where such inspection is permitted by the Tax Recovery Officer, shall be charged as follows.

- (a) for the first hour or part thereof . . . . . 75 nP.
- (b) for every additional hour or part thereof . . . . . 50 nP

(2) Fees for inspection shall be payable in advance.

**PART X**  
*Miscellaneous*

**60 Proceedings against legal representative of a deceased defaulter**—A notice to the legal representative of a deceased defaulter under rule 85 of the principal rules read with rule 2 of those rules shall be issued in Form No ITC.P 29 which may be so varied as the circumstances of each case may require.

**61 Recovery from surety.**—A notice to a surety under rule 88 of the principal rules read with rule 2 of those rules shall be issued in Form No ITC.P 30 which may be so varied as the circumstances of each case may require

**62. Appearance before Tax Recovery Officer.**—(1) Any person who is entitled or required to attend before any Tax Recovery Officer in connection with any proceeding under the Second Schedule or these rules, otherwise than when required under rule 83 of the principal rules to attend personally for examination on oath or affirmation, may attend either in person or by any legal practitioner who is entitled to practise in any civil court in India

(2) In any such proceeding as aforesaid, the Income tax Officer concerned shall have the right to be heard either in person or by a representative before the Tax Recovery Officer.

**APPENDIX**  
**FORM No. ITC.P I.**

(See rule 2 of the Second Schedule to the Income-tax Act, 1961)

*Notice of Demand to Defaulter.*

Office of the Tax Recovery Officer,  
.....  
.....  
Dated... . . . .

To

. . . . .  
. . . . .  
. . . . .

Please take notice that certificate No . . . . . dated . . . . .  
has been forwarded by the Income-tax Officer, . . . . . for the recovery  
of an amount of Rs . . . . . details of which are given on the reverse

2. You are hereby required to pay the amount aforesaid within fifteen days from the date of service of this notice to

Treasury Officer

Sub-treasury Officer

Agent, State Bank of India at..... A chalan in enclosed for the purpose.

Reserve Bank of India

3. You are informed that in case of default, steps would be taken to realise the amount in accordance with the Second Schedule to the Income-tax Act, 1961.

4. In addition to the amount aforesaid, you will also be liable for—

- (a) such interest as is payable in accordance with section 220(2) of the said Act for the period commencing immediately after the date of the issue of the said certificate, and
- (b) all costs, charges and expenses incurred in respect of the service of this notice and of warrants and other processes and of all other proceedings taken for realising the arrears.

(SEAL)

Tax Recovery Officer.

*N.B.*—Attention is invited to rule 16 of the Second Schedule to the Income-tax Act, 1961 which is reproduced below:—

"16. (1) Where a notice has been served on a defaulter under rule 2, the defaulter or his representative in interest shall not be competent to mortgage, charge, lease or otherwise deal with any property belonging to him except with the permission of the Tax Recovery Officer, nor shall any civil court issue any process against such property in execution of a decree for the payment of money.

(2) Where an attachment has been made under this Schedule, any private transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other monies contrary to such attachment, shall be void as against all claims enforceable under the attachment."

*Details of amount mentioned in the recovery certificate issued by the Income-tax Officer.*

|  | Rupees  |         |             | Assessment<br>year |
|--|---------|---------|-------------|--------------------|
|  | Regular | Advance | Provisional |                    |
| (1) Income-tax . . . . .   |         |         |             |                    |
| (2) Surcharge on Income-tax  |         |         |             |                    |
| (a) Union . . . . .  |         |         |             |                    |
| (b) Special . . . . .  |         |         |             |                    |
| (3) Super-tax . . . . .  |         |         |             |                    |
| (4) Surcharge on Super-tax :   |         |         |             |                    |
| (a) Union . . . . .  |         |         |             |                    |
| (b) Special . . . . .  |         |         |             |                    |
| (5) Penalty under section . . . . .  |         |         |             |                    |
| (6) Interest under section . . . . .   |         |         |             |                    |
| (7) Fine under Section 131(2) . . . . .  |         |         |             |                    |
| (8) Any other sum (give details) . . . . .   |         |         |             |                    |
| (9) Interest under section 220(2) outstanding<br>for the period upto the date of the certificate |         |         |             |                    |
| (10) Total . . . . .   |         |         |             |                    |

## FORM No. I.T.C.P. 2

(See rule 20 of the Second Schedule to the Income-tax Act, 1961)

## Warrant of attachment of Movable Property

Office of the Tax Recovery Officer,  
.....  
.....To  
.....  
.....

Whereas certificate No.....dated..... has been forwarded by the Income-tax Officer..... against..... and the sum of Rs..... (defaulter) as noted below, is due from him in respect of the said certificate;

|                    |     |     |     |
|--------------------|-----|-----|-----|
| Certificate amount | ... | Rs. | nP. |
| Costs & charges    | ... |     |     |
| Interest           | ..  |     |     |

Total  
.....  
.....

And whereas the said sum of Rs.... has not been paid in satisfaction of the said certificate;

This is to direct you to serve a copy of this warrant on the defaulter and, unless after such service the said defaulter pays forthwith the said sum of Rs..... together with interest at four per cent per annum of Rs..... from the date of the issue of this warrant and Rs..... for the cost of executing this process, to proceed to attach the movable property of the said defaulter and to hold the same until further orders from the undersigned.

You are further directed to return this warrant on or before the..... day of..... 19 , with an endorsement certifying the day on which and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and seal at ..... this..... day of.....

(SEAL)

Tax Recovery Officer.  
.....  
.....

## FORM No. I.T.C.P. 3

[See rule 26(1)(i) of the Second Schedule to the Income-tax Act, 1961]

Prohibitory order where the Property consists of Debts not secured by Negotiable Instruments.

Office of the Tax Recovery Officer,  
.....  
.....To  
.....  
.....

Whereas..... has failed to pay the arrears due from him in respect of certificate No..... (defaulter) dated..... forwarded by the Income-tax Officer..... amounting to Rs. .... and the interest payable under section 220(2) of the Income-tax Act, 1961 for the period commencing immediately after the said date;

It is ordered that the said..... be, and is hereby, prohibited and restrained, until the further order of the undersigned, from receiving from you a certain debt alleged now to be due from you to the said defaulter, namely.....

And that you, the said....., be, and you are hereby prohibited and restrained, until the further order of the undersigned, from making payment of the said debt or any part thereof, to any person whomsoever or otherwise than to the undersigned.

Given under my hand and seal at..... this..... day of.....

(SEAL)

Tax Recovery Officer.

FORM No. I.T.C.P. 4

(See rule 26(1)(ii) of the Second Schedule to the Income-tax Act, 1961).

*Prohibitory order where the property consists of shares in a corporation*

Office of the Tax Recovery Officer,  
.....  
.....

To

(1) .....  
.....

(2) .....  
(Principal Officer)

.....  
(Name of Corporation)

Whereas..... has failed to pay the arrears due from him in respect of certificate No..... (defaulter) dated..... forwarded by the Income-tax Officer..... amounting to Rs..... and the interest payable under section 220(2) of the Income-tax Act, 1961, for the period commencing immediately after the said date;

It is ordered that you, No. (1) above-mentioned, be, and you are hereby prohibited and restrained, until the further order of the undersigned, from making any transfer of the shares in the aforesaid Corporation standing in your name or from receiving payment of any dividends thereon.

And that you, No. (2) above-mentioned, are hereby prohibited and restrained, until the further order of the undersigned, from permitting any such transfer or making any such payment.

Given under my hand and seal at..... this..... day of.....

(SEAL)

Tax Recovery Officer.

FORM No. I.T.C.P. 5

(See rule 26(1)(iii) of the Second Schedule to the Income-tax Act, 1961).

*Prohibitory order where the property to be attached consists of movable property to which the defaulter is entitled subject to a lien or right of some other person to the immediate possession thereof*

Office of the Tax Recovery Officer,  
.....  
.....

To

.....  
.....  
.....

Whereas..... has failed to pay the arrears due from him in respect of certificate No..... (defaulter) dated..... forwarded by the Income-tax Officer..... amounting to Rs..... and the interest payable under

section 220(2) of the Income-tax Act, 1961 for the period commencing immediately after the said date,

It is ordered that the said defaulter be, and is hereby prohibited and restrained, until the further order of the undersigned, from receiving from you, namely, the following property in the possession of the said that is to say to which the said defaulter is entitled, subject to your claim of immediate possession thereof

And that you are hereby prohibited and restrained, until the further order of the undersigned, from delivering the said property to any person or persons whomsoever

Given under my hand and seal at this day of  
(SEAL) Tax Recovery Officer

FORM No ITCP 6

(See rule 27 of the Second Schedule to the Income tax Act, 1961)

*Notice of attachment of a decree of a Civil Court*

Office of the Tax Recovery Officer,

Dated

To

The Judge of the Court of

Sir,

Whereas (defaulter) has failed to pay the arrears due from him in respect of certificate No dated forwarded by the Income-tax Officer amounting to Rs and the interest payable under section 220(2) of the Income-tax Act, 1961 for the period commencing immediately after the said date;

And whereas the undersigned in exercise of his powers under the Second Schedule to the said Act, desires to proceed with attachment of a decree of Court dated the day of made in suit No of wherein was the plaintiff and was the defendant and which decree is pending execution in your Court,

You are, therefore, requested to stay the execution of the said decree unless and until—

- (i) the undersigned cancels this notice, or
- (ii) the Income-tax Officer or the above-mentioned defaulter applies to you to execute the decree

(SEAL)

Yours faithfully,  
Tax Recovery Officer.

FORM No ITCP 7

(See rule 28 of the Second Schedule to the Income-tax Act, 1961)

*Notice of attachment where the property consists of a share or interest in movable property*

Office of the Tax Recovery Officer

To

Whereas you have not paid the arrears amounting to Rs payable by you in respect of certificate No dated forwarded by the Income-tax Officer and the interest payable under section 220(2) of the Income-tax Act, 1961 for the period commencing immediately after said date,

It is hereby ordered that you the said..... be and are hereby prohibited and restrained, until the further order of the undersigned, from transferring or charging in any way your share or interest in the under-mentioned items of movable property, belonging to you and..... and..... as co-owners.

Given under my hand and seal at..... this..... day of.....

(SEAL)

Tax Recovery Officer.

#### FORM No. I.T.C.P. 8

(See rule 29 of the Second Schedule to the Income-tax Act, 1961)

*Order to attach salary or allowances of servants of Government or local authority.*

Office of the Tax Recovery Officer,  
.....  
.....

To  
.....  
.....

Whereas..... has not paid arrears amounting to Rs..... in respect of certificate No..... (defaulter) dated..... forwarded by the Income-tax Officer..... and the interest payable under section 220(2) of the Income-tax Act, 1961 for the period commencing immediately after the said date;

And whereas the said..... is a..... (office allowances held by defaulter) receiving his salary and allowances at your hands;

You are hereby required to withhold the sum of Rs..... from the salary of the said..... in monthly instalments of..... and to remit the said sum in monthly instalments to the undersigned.

Given under my hand and seal at..... this..... day of.....

(SEAL)

Tax Recovery Officer.

#### FORM No. I.T.C.P. 9

(See rule 30 of the Second Schedule to the Income-tax Act, 1961)

*Order of attachment of Negotiable instrument*

Office of the Tax Recovery Officer,  
.....  
.....

To

(Attaching Officer) .....  
.....

Whereas the undersigned has passed on the..... day of....., 19..... an order for the attachment of the undermentioned property in the course of proceedings for the recovery of arrears due from..... in respect of certificate No..... (defaulter) dated....., forwarded by the Income-tax Officer.....;

You are hereby directed to seize the said property and bring the same before me and hold the same subject to my orders.

*Details of Property*  
.....  
.....

Given under my hand and seal at..... this..... day of....., 19.....

(SEAL)

Tax Recovery Officer.

## FORM No. I.T.C.P. 10

(See rule 31 of the Second Schedule to the Income-tax Act, 1961)

*Notice of attachment of movable property in the custody of a court or public officer*

Office of the Tax Recovery Officer,

Dated . . . . .

To

Sir,

Whereas . . . . . (defaulter) has not paid the arrears amounting to Rs. . . . . in respect of certificate No. . . . . dated . . . . . forwarded by the Income-tax Officer . . . . . and the interest payable under section 220(2) for the period commencing immediately after the said date and the undersigned desires to attach sums of money or other property now in your custody\*

I request that you will hold the said money or property and any interest or dividend becoming payable thereon subject to the further order of the undersigned.

Yours faithfully,

Tax Recovery Officer

NOTE:—\*Here state how the money or property is understood to be in the hands of the court or the public officer addressed, on what account and other available details.

## FORM No. I.T.C.P. 11

(See rule 32 of the Second Schedule to the Income-tax Act, 1961).

*Order of Attachment of Property Consisting of an Interest in Partnership Property.*

Office of the Tax Recovery Officer,

To

Whereas, . . . . . has not paid arrears amounting to Rs. . . . . in respect of a certificate No. . . . . dated . . . . . forwarded by the Income-tax Officer . . . . . and the interest payable under section 220(2) of the Income-tax Act, 1961, for the period commencing immediately after the said date and whereas the said . . . . . is a partner in the firm known as Massrs . . . . . ;

It is hereby ordered:

- (1) that the share of the said . . . . . in the partnership property and profits of the said firm be and is hereby charged with the payment of the amount aforesaid due under the said certificate; and

- (11)\* that . . . . .

Given under my hand and seal at . . . this . . . . . day of . . . . . 19 . . .  
(SEAL) Tax Recovery Officer.

NOTE:—\*Here incorporated any other order that may be considered necessary in the circumstances.



## FORM No. I.T.C.P. 12

[See Rule 37 and rule 52(1) of the Second Schedule to the Income-tax Act, 1961].

*Warrant of Sale of Property.*

Office of the Tax Recovery Officer,  
.....  
.....

To  
.....  
.....

These are to command you to sell by public auction, after giving ..... days previous notice by affixing the same in the office of the undersigned, and after making due proclamation, the undermentioned property attached in execution of Certificate No. .... dated ..... forwarded by the Income-tax Officer ..... against ..... or so much of the said property as shall realise (i) the sum of Rs. ...., being, the sum of the amount of the said certificate and costs still remaining unsatisfied and (ii) interest payable on Rs. .... under section 220(2) of the Income-tax Act, 1961, for the period commencing immediately after the said date of issue of the certificate.

2. You are further commanded to return this warrant on or before the ..... day of ..... 19 ....., with an endorsement certifying the manner in which it has been executed or the reason why it has not been executed.

*Specification of property.*

Given under my hand and seal at ..... this ..... day of ..... 19.....

(Seal)

Tax Recovery Officer.  
.....

## FORM No. I.T.C.P. 13

[See rule 38 and rule 52(2) of the Second Schedule to the Income-tax Act, 1961].

*Proclamation of Sale.*

Office of the Tax Recovery Officer,  
.....  
.....

Whereas the Income-tax Officer ..... has forwarded the certificate No. .... dated ..... for the recovery of the sum of Rs. .... from ..... which sum is recoverable together (defaulter) with interest in accordance with section 220(2) of the Income-tax Act, 1961, for the period commencing immediately after the said date and the costs, charges, and expenses of the proceedings for the recovery thereof;

And whereas the undersigned has ordered the sale of the attached property mentioned in the annexed schedule in satisfaction of the said certificate;

And whereas on the ..... day of ..... 19.... (the date fixed for the sale) there will be due thereunder a sum of Rs. .... including costs and interest:

Notice is hereby given that, in the absence of any order of postponement, the said property shall be sold by ..... by public auction at ..... A.M./P.M. on the said ..... day of ..... 19..... at ..... (place)

The sale will be of the property of the defaulter above-named as mentioned in the schedule below; and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the schedule against each lot;

The property will be put up for sale in the lots specified in the schedule. If the amount to be realised by sale is satisfied by the sale of a portion of the property, the sale shall be immediately stopped with respect to the remainder. The

sale will also be stopped if, before any lot is knocked down, the arrears mentioned in the said certificate, interest payable under section 220(2) of the Income-tax Act, 1961, and costs (including the costs of the sale) are tendered to the officer conducting the sale or proof is given to his satisfaction that the amount of such arrears, interest and costs has been paid to the undersigned.

At the sale, the public generally are invited to bid either personally or by duly authorised agent. No officer or other person, having any duty to perform in connection with this sale shall, however, either directly or indirectly bid for, acquire or attempt to acquire any interest in the property sold.

The sale shall be subject to the conditions prescribed in the Second Schedule to the Income-tax Act, 1961, and the rules made thereunder and to the following further conditions:—

- (i) The particulars specified in the annexed schedule have been stated to the best of the information of the undersigned, but the undersigned shall not be answerable for any error, misstatement or omission in this proclamation.
- (ii) The amounts by which biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put up to auction.
- (iii) The highest bidder shall be declared to be the purchaser of any lot provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the undersigned to decline acceptance of the highest bid when the bid is less than the reserve price, if any, fixed or when the price offered appears so clearly inadequate as to make it advisable to do so.
- (iv) For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it subject always to the provisions of the Second Schedule to the Income-tax Act, 1961.
- (v) In the case of movable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the sale directs, and in default of payment, the property shall forthwith be again put up and resold.
- (vi) In the case of immovable property, the person declared to be the purchaser shall pay immediately after such declaration, a deposit of twenty five per cent on the amount of his purchase money to the officer conducting the sale and, in default of such deposit, the property shall forthwith be put up again and resold. The full amount of the purchase money payable shall be paid by the purchaser to the undersigned on or before the 15th day from the date of the sale of the property, exclusive of such day, or if the 15th day be a Sunday or other holiday, then on the first office day after the 15th day. In default of payment within the period mentioned above, the property shall be resold, after the issue of fresh proclamation of sale. The deposit, after defraying the expenses of the sale, may, if the undersigned thinks fit, be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

#### *Schedule of Property*

| No. of lot | Description of property to be sold with the names of the other co-owners where the property belongs to the defaulter and any other persons as co-owners | Revenue assessed upon the property or any part thereof | Details of any incumbrances to which the property is liable | Claims, if any, which have been put forward to the property, and any other known particulars bearing on its nature and value. |
|------------|---|--|---|---|
| 1          | 2   | 3  | 4   | 5   |

Given under my hand and seal at .. this .. day of ...  
19 .....

Tax Recovery Officer.

FORM No. I.T.C.P. 14.

[See rule 44(2) of the Second Schedule to the Income-tax Act, 1961].

*Certificate of Sale of Movable Property.*

Office of the Tax Recovery Officer,  
.....  
.....

This is to certify that Shri..... purchased for Rs..... the undermentioned movable property at a sale by public auction on the ..... day of ..... in execution of certificate No. .... dated ..... forwarded by the Income-tax Officer ..... for recovery of arrears from .....

*Specification of Property*

Given under my hand and seal at ..... this ..... day of .....

(Seal)

Officer holding the Sale.

FORM No. I.T.C.P. 15

(See rule 47 of the Second Schedule to the Income-tax Act, 1961).

*Order for Payment to the Income-tax Officer of Current Coins and Currency Notes Attached.*

Office of the Tax Recovery Officer,  
.....  
.....

To

.....  
.....

Whereas in execution of certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... the following property consisting of current coins/currency notes has been attached:—

(1)

*Current coins.*

(2)

*Currency Notes*

It is hereby ordered that out of the property so attached Rs. .... in current coins and Rs. .... in currency notes shall be paid over to the income-tax Officer ..... in satisfaction of the said certificate.

Given under my hand and seal at ..... this ..... day of ..... 19 .....

Tax Recovery Officer.

FORM No. I.T.C.P. 16.

(See rule 48 of the Second Schedule to the Income-tax Act, 1961).

*Order of Attachment of Immovable Property.*

Office of the Tax Recovery Officer,  
.....  
.....

To

.....  
.....

Whereas you have failed to pay the sum of Rs. .... payable by you in respect of certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... and the interest payable under section 220(2) of the Income-tax Act, 1961, for the period commencing immediately after the said date;

It is ordered that you, the said ..... be, and you are hereby prohibited and restrained, until the further order of the undersigned, from transferring or charging the undermentioned property in any way and that all persons be, and that they are hereby prohibited from taking any benefit under such transfer or charge.

*Specification of Property*

Given under my hand and seal at ..... this ..... day of .....  
(Seal) ..... Tax Recovery Officer.

FORM No. I.T.C.P. 17

(See rule 53 of the Second Schedule to the Income-tax Act, 1961).

*Notice to Defaulter for Settling a Sale Proclamation.*

Office of the Tax Recovery Officer,  
.....  
.....

To  
.....  
.....

Whereas in execution of certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... the undersigned has ordered the sale of the undermentioned immovable property;

You are hereby informed that the ..... day of ..... 19..... has been fixed for drawing up the proclamation of sale and settling the terms thereof. You are requested to bring to the notice of the undersigned any encumbrances, charges, claims or liabilities attaching to the said properties or any portion thereof.

*Specification of Property.*

Given under my hand and seal at ..... this ..... day of .....  
..... Tax Recovery Officer.

FORM No. I.T.C.P. 18

[See rule 63(1) of the Second Schedule to the Income-tax Act, 1961].

*Order of confirmation of sale or immovable property*

Office of the Tax Recovery Officer,  
.....  
.....

..... purchased for Rs. .... the immovable property specified below at a sale held by public auction on the ..... day of ..... 19 ..... in execution of certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... for recovery of arrears from ..... The full amount of the purchase money has been paid on ..... \* No application under rule 60/rule 61/ rule 62 of the Second Schedule to the Income-tax Act, 1961 has been received for setting aside the sale.

\*Application under rule 60/rule 61/rule 62 of the Second Schedule to the said Act made by ..... for setting aside the sale has been disallowed by the undersigned.

Accordingly, the said sale is hereby confirmed.

*Specification of Property*

Given under my hand and seal at ..... this day .....  
of .....  
(Seal) ..... Tax Recovery Officer.

\*Delete the inappropriate words.

## FORM No. I.T.C.P. 19

[See rule 63(2) of the Second Schedule to the Income-tax Act, 1961].

*Notice to interested parties to show cause why sale should not be set aside.*

Office of the Tax Recovery Officer,

.....  
 .....

To

.....  
 .....

Whereas the undermentioned property was sold on the ..... day of ..... in execution of certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... for recovery of arrears from .....; And whereas ..... has applied to the under-  
 (defaulter)  
 signed to set aside the sale under rule 60/rule 61/rule 62 of the Second Schedule to the Income-tax Act, 1961;

Take notice that if you have any cause to show why the said application should not be granted, you should appear with your proofs before the undersigned on ..... when the said application will be heard and determined.

*Description of Property*

Given under my hand and seal at ..... this day ..... of .....

(SEAL)

Tax Recovery Officer.

## FORM No. I.T.C.P. 20

(See rule 65 of the Second Schedule to the Income-tax Act, 1961)

*Certificate of sale of immovable property*

Office of the Tax Recovery Officer,

.....  
 .....

This is to certify that Shri ..... has been declared the purchaser at a sale by public auction on the ..... day of ..... of the undermentioned immovable property in execution of certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... for recovery of arrears from ..... and that the said sale has been duly confirmed by the undersigned and became absolute on the ..... day of .....

*Specification of Property*

Given under my hand and seal at ..... this day ..... of .....

(SEAL)

Tax Recovery Officer.

## FORM No. I.T.C.P. 21

[See rule 66(2) of the Second Schedule to the Income-tax Act, 1961].

*Certificate to defaulter authorising him to mortgage, lease or sell property*Office of the Tax Recovery Officer,  
.....  
.....

Whereas in execution of certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... for recovery of arrears from ....., an order was made on the ..... day ..... (defaulter) of ..... for the sale of the undermentioned property of the said defaulter;

And the undersigned is satisfied that there is reason to believe that if the sale is postponed the amount of the said certificate may be raised by the defaulter by mortgage/lease/private sale of the said property or any part thereof and the sale of the undermentioned property has been postponed till the ..... day of ..... subject to the terms as mentioned in the order passed by the undersigned on the ..... day of .....

This is to certify that the said defaulter is hereby authorised to make the proposed mortgage/lease/sale within a period of ..... from the date of this certificate: provided that all moneys payable under such mortgage/lease/sale shall be paid, not to the said defaulter, but to the undersigned and provided also that no such mortgage/lease/sale shall become absolute until it has been confirmed by the undersigned.

*Description of Property*

Given under my hand and seal at ..... this day ..... of .....

(SEAL)

Tax Recovery Officer.

## FORM No. I.T.C.P. 22

(See rule 69 of the Second Schedule to the Income-tax Act, 1961)

*Order attaching a business*Office of the Tax Recovery Officer,  
.....  
.....

To

.....  
(name of defaulter)  
.....  
.....

Whereas certificate No. .... dated ..... for recovery of arrears amounting to Rs. .... from you has been forwarded by the Income-tax Officer, .....

It is hereby ordered that the business carried on by you under the name and style of ..... at ..... be and is hereby attached and you are informed accordingly.

It is hereby further ordered that you, the above said ..... be and are hereby prohibited and restrained from transferring or charging the said business in any way and that all persons whosoever are hereby prohibited and restrained from taking any benefit under such transfer or charge.

Given under my hand and seal at ..... this day ..... of .....

(SEAL)

Tax Recovery Officer,

## FORM No. I.T.C.P. 23

[See rule 26 of the Income-tax (Certificate Proceeding) Rules, 1962]

*Bond (Sapurdnama)*

Statement of Shri ..... aged ....., son of Shri .....  
 ....., residing at .....

I have received notice in Form No. I.T.C.P. 1 that arrears amounting to Rs. .... are due from me in respect of certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... I offer herewith a sum of Rs. .... towards the said arrears. Regarding the balance of Rs. .... of the arrears as well as costs, expenses and charges amounting to Rs. ...., I undertake to pay the same in monthly instalments of Rs. .... each payable not later than the ..... day of each month commencing from ..... along with each instalment I also undertake to pay the interest payable under section 220(2) of the Income-tax Act, 1961 for the period commencing immediately after the date of issue of the said certificate. I undertake not to commit any default in the payment of the instalments. I agree that if I commit any default in paying any one of the instalments within the time aforesaid, the entire amount due from me on the date of the default may be recovered in entirety by such measures as the Tax Recovery Officer, ..... considers necessary. I specify herein my assets as on this day and I agree not to sell, give away, transfer, mortgage, or otherwise alienate or encumber these assets in any way until the entire amount due from me is paid to the Tax Recovery Officer, ..... in full. I agree that in the meanwhile, these assets may continue to remain attached if considered necessary. I also agree to furnish two solvent sureties who will execute a surety bond in the form approved by the Tax Recovery Officer, ..... for the due payment by me of the aforesaid dues in instalments as agreed to herein.

*Details of assets as on this day*

Before me

..... (Signature)  
 ..... (Name)

.....  
 (Designation),

Date .....

..... (Signature)  
 ..... (Name)  
 ..... (Date)

(SEAL)

## FORM No. I.T.C.P. 24

(See rule 69 or rule 70 of the Second Schedule to the Income-tax Act, 1961)

*Appointment of a Receiver*

Office of the Tax Recovery Officer,

To

Whereas ..... has been attached under an order passed by the undersigned under rule 69/rule 70 of the Second Schedule to the Income-tax Act, 1961 in the course of execution of certificate No. .... dated ..... forwarded by the Income-tax Officer ..... for recovery of arrears from the said .....

You are hereby appointed receiver of the said business/property,

Subject to any orders which may be passed by the undersigned in this behalf, you shall have all the powers necessary for the management of the said business/property in accordance with the said Schedule and the rules made thereunder.

You are required to render a due and proper account of your receipts and disbursements in respect of the said business/property in accordance with Part VII of the Income-tax (Certificate Proceedings) Rules, 1962.

You will be entitled to remuneration at the rate of .....

Your appointment as receiver of the said business/property shall continue in force until further orders of the undersigned and may be cancelled or withdrawn at any time at the discretion of the undersigned.

Given under my hand and seal at ..... this day .....  
of .....

(SEAL)

Tax Recovery Officer.

FORM No. I.T.C.P. 25

(See rule 73 of the Second Schedule to the Income-tax Act, 1961)

*Notice to show cause why a warrant of arrest should not be issued*

Office of the Tax Recovery Officer,  
.....  
.....

To  
.....  
.....

Whereas you have failed to pay the amount of arrears specified in certificate No. .... dated ..... forwarded by the Income-tax Officer, ..... for recovery of arrears from you and the interest payable under section 220(2) of the Income-tax Act, 1961 for the period commencing immediately after the said date and it is proposed to execute the above certificate by arrest and imprisonment of your person;

You are hereby required to appear before the undersigned on the ..... day of ..... at ..... at ..... AM/PM and to show cause why you should not be committed to the civil prison in execution of the said certificate.

Given under my hand and seal at ..... this day .....  
of .....

(SEAL)

Tax Recovery Officer.

FORM No. I.T.C.P. 26

(See Part V of the Second Schedule to the Income-tax Act, 1961)

*Warrant of Arrest*

Office of the Tax Recovery Officer,  
.....  
.....

To  
.....  
.....

Whereas certificate No. .... dated ..... was forwarded by the Income-tax Officer, ..... for recovery of arrears from



..... of ..... and the sum of Rs. ....  
 (defaulter) (address)  
 as noted below is due from the said defaulter in respect of the said certificate:—

Rs. nP.

Certificate amount  
 Costs and charges  
 Interest up to the date of  
 issue of this warrant.

TOTAL

and whereas the said sum of Rs.....has not been paid in satisfaction of the said certificate:

These are to command you to arrest the said defaulter and bring him before the undersigned as soon as practicable and in any event within 24 hours of his arrest (exclusive of the time required for the journey) unless the defaulter pays to you the said amount of Rs..... together with further interest on Rs. .... at four per cent per annum for the period commencing immediately after the date of issue of this warrant and Rs..... for the cost of executing this process.

You are hereby further commanded to return the warrant on or before the..... day of ..... with an endorsement certifying the day on which and the manner in which it has been executed or the reason why it has not been executed.

Given under my hand and seal at.....this..... day of.....

(Seal)

Tax Recovery Officer.

FORM No. I.T.C.P. 27

(See Part V of the Second Schedule to the Income-tax Act, 1961)

Warrant of Detention in Civil Prison

Office of the Tax Recovery Officer,

.....  
 .....

To

The Officer-in-charge of the Civil Prison of.....

Whereas.....has been brought before the undersigned under a warrant in execution of certificate No..... dated..... forwarded by the Income-tax Officer, ..... for recovery of arrears from him.

And whereas he has not satisfied the undersigned that he is entitled to be discharged from custody and has not paid the amount due from him as detailed below:—

Rs. nP.

Certificate amount  
 Costs and charges  
 Interest

TOTAL

And whereas the undersigned is satisfied that the said..... should be committed to the civil prison and an order to that effect has been passed by the undersigned on the.....day of.....

You are hereby commanded and required to take and receive the said ..... into the civil prison and to keep him imprisoned therein for a period of ..... or until the amount aforesaid together with further interest on Rs. .... at four per cent per annum for the period commencing immediately after the date of issue of this warrant payable under section 226(2) of the Income-tax Act, 1961 is paid to you or until you receive an order of release from the undersigned.

The undersigned does hereby fix Rs. .... nP. .... per diem [calculated under rule 90(2) of the Second Schedule to the said Act] as the rate for subsistence allowance of the said ..... during his confinement under this warrant.

Given under my hand and seal at ..... this ..... day of .....

(Seal)

Tax Recovery Officer.

#### FORM No. I.T.C.P. 28

(See rules 77, 78 and 79 of the Second Schedule to the Income-tax Act, 1961)

#### Order of Release

Office of the Tax Recovery Officer,  
.....  
.....

To

The Officer-in-charge of the Civil Prison of .....

Under orders passed this day, you are hereby directed to forthwith set free ..... who is now in your custody as a result of the warrant of detention issued by the undersigned on the ..... day of .....

Given under my hand and seal at ..... this ..... day of .....

(Seal)

Tax Recovery Officer.

#### FORM No. I.T.C.P. 29

(See rule 85 of the Second Schedule to the Income-tax Act, 1961)

#### Notice to Legal Representative

Office of the Tax Recovery Officer,  
.....  
.....

To

.....  
.....

Whereas certificate No. .... dated ..... has been forwarded by the Income-tax Officer, ..... for the recovery of arrears amounting to Rs. .... from ..... (defaulter)

And whereas the said ..... has since died.

You are hereby given notice that steps will be taken under all or any of the provisions of the Second Schedule to the Income-tax Act, 1961 to recover the said amount from you together with the interest payable under section 220(2) of that Act for the period commencing immediately after the said date of issue of the certificate and the costs, charges and expenses incurred in respect of

warrants and other processes issued and all other proceedings taken for realising the arrears unless the outstanding amount of Rs.....in respect of the certificate together with costs, charges and expenses incurred so far amounting to Rs.....and the interest aforesaid is paid by you within fifteen days from the date of service of this notice.

(Seal)

Tax Recovery Officer.

N.B.—Attention is invited to rule 16 of the Second Schedule to the Income-tax Act, 1961 which is reproduced below:—

- "16. (1) Where a notice has been served on a defaulter under rule 2, the defaulter or his representative in interest shall not be competent to mortgage, charge, lease or otherwise deal with any property belonging to him except with the permission of the Tax Recovery Officer, nor shall any civil court issue any process against such property in execution of a decree for the payment of money.
- (2) Where an attachment has been made under this Schedule, any private transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other monies contrary to such attachment, shall be void as against all claims enforceable under the attachment."

## FORM No. I.T.C.P. 30

(See rule 86 of the Second Schedule to the Income-tax Act, 1961)

## Notice to Surety

Office of the Tax Recovery Officer,

Date.....

To

Whereas you are a surety for the arrears amounting to Rs.....due from.....in respect of certificate No.....dated.....forwarded by the Income-tax Officer, .....and whereas it has become necessary to recover the said arrears from you, you are hereby given notice that steps will be taken under all or any of the provisions of the Second Schedule to the Income-tax Act, 1961 to recover the said amount from you together with the interest payable under section 220(2) of that Act for the period commencing immediately after the said date of issue of the certificate and the costs, charges and expenses incurred in respect of warrants and other processes issued and all other proceedings taken for realising the arrears unless the outstanding amount of Rs.....in respect of the certificate together with costs, charges and expenses incurred so far amounting to Rs.....and the interest aforesaid is paid by you within fifteen days from the date of service of this notice.

(Seal)

Tax Recovery Officer.

N.B.—Attention is invited to rule 16 of the Second Schedule to the Income-tax Act, 1961 which is reproduced below:—

- "16. (1) Where a notice has been served on a defaulter under rule 2, the defaulter or his representative in interest shall not be competent to mortgage, charge, lease or otherwise deal with any property

belonging to him except with the permission of the Tax Recovery Officer, nor shall any civil court issue any process against such property in execution of a decree for the payment of money.

- (2) Where an attachment has been made under this Schedule, any private transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other monies contrary to such attachment, shall be void as against all claims enforceable under the attachment."

[No. 14/F. No. 1(61)-61/TPL.]

I. P. GUPTA, Secy.